

**SUPREME COURT MINUTES
THURSDAY, AUGUST 26, 2004
SAN FRANCISCO, CALIFORNIA**

S007531

PEOPLE v. HALEY (KEVIN)

Opinion filed: Conviction affirmed, special
circumstance reversed.

Opinion by Moreno, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, JJ.

S106718

B152628 Second Appellate District,
Division Four

SAV-ON DRUG STORES v. S.C. (ROCHER)

Opinion filed: Judgment reversed

Majority Opinion by Werdegar, J.

--- joined by George, C.J., Kennard, Baxter,
Chin, Moreno, JJ.

Concurring Opinion by Brown, J.

S125593

G020323 Fourth Appellate District,
Division Three

TEXTRON FINANCIAL v. NATIONAL UNION FIRE
INSURANCE COMPANY

Time extended to grant or deny review

to September 28, 2004

S024046

PEOPLE v. O'MALLEY (JAMES F.)

Extension of time granted

to October 19, 2004 to file appellant's opening
brief.

S052808

PEOPLE v. GAMACHE (RICHARD C.)

Extension of time granted

to October 25, 2004 to file respondent's brief.
After that date, only two further extensions
totaling about 70 additional days will be
granted. Extension is granted based upon
Deputy Attorney General Kristine A. Gutierrez's
representation that she anticipates filing that
brief by 1/5/2005.

S064574

PEOPLE v. MARTINEZ (MICHAEL M.)
Extension of time granted

to September 17, 2004 to file appellant's opening brief. Extension is granted based upon counsel Paul J. Spiegelman's representation that he anticipates filing that brief by 9/17/2004. After that date, no further extension will be granted.

S065877

PEOPLE v. LOPEZ, SERNA AND TRUJEQUE
Extension of time granted

to October 22, 2004 to appellant LOPEZ to request correction of the record. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel Joseph Baxter's representation that he anticipates filing that request by 4/20/2005. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S072949

PEOPLE v. BRASURE (SPENCER R.)
Extension of time granted

to October 25, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling about 60 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S073253

PEOPLE v. GUTIERREZ (ALFRED A.)
Extension of time granted

to September 17, 2004 to file appellant's opening brief. Extension is granted based upon counsel H. Mitchell Caldwell's representation that he anticipates filing that brief by 9/17/2004. After that date, no further extension will be granted.

S082776PEOPLE v. REED (ENNIS)
Extension of time granted

to October 18, 2004 to file appellant's opening brief. After that date, only six further extensions totaling about 380 additional days are contemplated. Extension is granted based upon counsel Gail Harper's representation that she anticipates filing that brief by 11/2005.

S122414FARNAM (JACK) ON H.C.
Extension of time granted

to September 13, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Samuel D. McVey's representation that he anticipates filing that document by 9/13/2004. After that date, no further extension is contemplated.

S123344A102790 First Appellate District,
Division FiveGRAFTON PARTNERS v. S.C.
(PRICewaterhouseCOOPERS)
Extension of time granted

to August 27, 2004 to file real party in interest reply brief on the merits.

S124660RENO ON H.C.
Extension of time granted

to September 20, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 80 additional days will be granted. Extension is granted based upon Deputy Attorney General Robert David Breton's representation that he anticipates filing that document by 12/9/2004.

S127031B155166 Second Appellate District,
Division EightCOUNTY OF LOS ANGELES v. NAVARRO
Extension of time granted

The time for granting or denying review on the

court's own motion is extended to and including September 28, 2004. (Cal. Rules of Court, rule 28.2 (c)(1).)

S117641

G029525 Fourth Appellate District,
G029607 Division Three

PEOPLE v. BRICENO
Orders filed (2)

- (1) the request of counsel for respondent to allow two counsel to argue on behalf of respondent at oral argument is hereby granted.
- (2) the request of respondent to allocate to amicus curiae Orange County District Attorney 10 minutes of respondent's oral argument time is granted.

S029174

PEOPLE v. DONALD GRIFFIN
Order filed

Court's 150-day statement.

S126357

RULE 962 SUSPENSION
Orders filed (2)

- (1) The suspension of JOHN GILLESPIE HARTNETT pursuant to our order filed on July 21, 2004, is hereby terminated.
This order is final forthwith.
- (2) The suspension of Jon David Railsback pursuant to our order filed on July 21, 2004, is hereby terminated.
This order is final forthwith.

S126357

S102459

TAYLOR ON DISCIPLINE
Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **GLENN EDWARD TAYLOR, State Bar No. 114388,**

must be actually suspended from the practice of law for 30 days. Credit toward the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on May 27, 2004 (Business & Professions Code section 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S114799**GRADY ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation in S114799 is revoked and reinstated on the same terms and conditions as previously imposed, except it is ordered that **SCOTT L. GRADY, State Bar No. 153760**, be actually suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, and it is hereby ordered that restitution is to be paid as recommended by the Hearing Department of the State Bar Court in its order approving the stipulation herein, filed June 18, 2004. The period of actual suspension is to commence upon termination of the actual suspension previously imposed in S114799. Costs are awarded to the State Bar and one-third of said costs are to be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code § 6086.10.)

S125285**MEYERS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JOHN OWEN MEYERS III, State Bar No. 57799**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court

of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 6, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125286

SUMNER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN PERRIN SUMNER, State Bar No. 94556**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for 18 months on condition that he be actually suspended for 45 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 4, 2004. It is

further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

S125287

SOBEL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **WILLIAM ALAN SOBEL, State Bar No. 114147**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 26, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

S125288

BATARSE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RAY I. BATARSE, State Bar No. 196693**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 22, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective

date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S125289

FEDYNYSHYN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MICHAEL PAUL FEDYNYSHYN, State Bar No. 123566**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S125294

HARTNETT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN GILLESPIE HARTNETT, State Bar No. 49505**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension of six months and until he makes restitution to Toni Smith (or the Client Security Fund, if appropriate) in the amount of \$508.34 plus 10% interest per annum from February 6, 2003, and furnishes satisfactory proof thereof to the State Bar Office of Probation, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 3,

2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S125494

BELL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CAROLE A. BELL, State Bar No. 122753**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 30 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 9, 2004. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual

suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125495

HANAU ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROSALINDA LAGUNA HANAU, State Bar No. 163573**, be suspended from the practice of law for five years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for two years and until she makes restitution to Leticia G. Browning and Maria Salcedo (or the Client Security Fund, if appropriate) in the amount of \$2,500.00 plus 10% interest per annum from March 5, 2002, and \$1,500.00 plus 10% interest per annum from May 17, 2002, respectively, and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 12, 2004, as modified by its order filed May 20, 2004; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Rosalinda Laguna Hanau** is also ordered to comply with the conditions of probation, if any,

hereinafter imposed by the State Bar Court as a condition for termination of her actual suspension. It is further ordered that **Rosalinda Laguna Hanau** take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Rosalinda Laguna Hanau** comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125496

HUSTED ON DISCIPLINE
Recommended discipline imposed

It is ordered that **EARL WAYNE HUSTED, III, State Bar No. 99019**, be suspended from the practice of law for 16 months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 24, 2004, as modified by its order filed April 27, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S125498

ST. JOHN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **ERIC MONROE ST. JOHN, State Bar No. 69432**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125499

WAHL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **VICTOR JOSEPH WAHL II, State Bar No. 78472**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 19, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S127204

MORGAN ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Christopher Alain Morgan, State Bar No. 96950**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

B169512 Second Appellate District

JOEL DRUM v. PROGRESSIVE INSURANCE

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Two.

B171372 Second Appellate District

CRISTINA CROWE v. CHRISTOPHER CROWE

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Three.

